

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

HOWARD RICHARDSON,)	
)	
Plaintiff)	
)	
v.)	Civil Action No. 04-11412-NG
)	
SUSA PARTNERSHIP, L.P.,)	
)	
Defendant.)	

DEFENDANT’S MOTION FOR SANCTIONS

Defendant, SUSA Partnership, L.P. (“SUSA” or “Defendant”), moves to dismiss Plaintiff’s Complaint pursuant to the Court’s inherent authority to sanction litigants for engaging in fraudulent conduct during the discovery process. SUSA is moving to dismiss the complaint, or, alternatively seeking that the Plaintiff be ordered to pay attorneys fees and costs or be subject to another sanction, for his abuse of the discovery process. The grounds for this motion are set forth more fully in the supporting memorandum and Affidavit of Amanda S. Rosenfeld filed herewith.

CERTIFICATION OF CONFERENCE – LOCAL RULE 7.1

SUSA certifies that it, through its counsel Thomas Smith, attempted to confer with Plaintiff’s counsel, Thomas Gleason, about this Motion by faxing and mailing the supporting memorandum to him on September 8, 2005 and seeking his response by September 14, 2005 in a good faith effort to resolve or narrow the issues. To date, Plaintiff’s counsel has not responded.

Respectfully submitted,

SUSA Partnership, L.P.

/s/Amanda S. Rosenfeld

Thomas Royall Smith (BBO # 470300)

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Dated: September 15, 2005